

# HollisWatch Comments Regarding the 2023 Hollis Planning Board “Voter Guide”.

Highlights to “Voter Guide” and comments by J.Garruba added in margin and corresponding document text highlight color. 3-12-23 Document aspect ratio adjusted to allow room for comments. Red rectangles denote added commentary from HollisWatch. The “Voter Guide” on the left side of the document was apparently mailed to all Hollis Residents on 3-11-23. It contains many discrepancies between the legal text of the ballot and the language put forth in the document. Why would the Planning Board send a document with language different from the questions on the ballot?

## 2023 HOLLIS PLANNING BOARD VOTER GUIDE

The Planning Board has developed this document to help you better understand the proposed Amendments on this year’s warrant. The Planning Board reflects on the past year’s progress and notes areas of the Zoning Regulations that could be amended to more appropriately reflect the views of the Town and address State or Federal requirements. It is the Board’s duty and obligation to preserve and protect the land use rights of all Hollis citizens in accordance with State laws and regulations and to do its best to ensure Zoning Ordinances do not expose the Town to adverse legal action. In order to assist the Board in making its determinations, accredited and licensed professionals are consulted based on their expertise. Please consider the information provided in this Voter’s Guide to better inform yourself on the five proposed zoning amendments put forth by the Planning Board and the two resident petitions.

### Planning Board Proposed Amendment (1): Are you in favor of the adoption of amendment (1) as proposed by the planning board for the Town of Hollis Zoning Ordinance as follows:

*Amend Zoning Ordinance as follows: Delete the following Section XI, Overlay Zoning Districts, C. Wetland Conservation Overlay Zone, Article 5. Drainage: a. There shall be no net increase in peak flow or overall volume of stormwater runoff in the WCO Zone as a result of any development. b. Calculations shall be based on 2, 5 and 25-year storm events in accordance with NRCS Technical Release 55 or Technical Release 20, or other calculation methods as approved by the Planning Staff. C. Drainage design shall be in accordance with the Town of Hollis Subdivision and Site Plan regulations. Amend Article 7 Special Exception in the Wetlands Conservation Overlay Zone, b(i) hydrological calculations based on drainage requirements in accordance with the Hollis Subdivision Regulations. Section XI.C.4.b. of this Ordinance. Delete Section XV Hollis Rural Character Ordinance, F. Design Standards, 6. Erosion Control, paragraph a. Restrict the post development runoff rate and volume to match the pre-development rate or volume for each offsite flow area based upon a ten-year rainfall event. The first 1/2 inch of runoff from all impervious areas is to be retained on site. Treated runoff should infiltrate into the ground in an amount approximately equaling pre-development runoff conditions. Roof runoff is considered “treated” for the purposes of infiltration. If, after a recommendation by the Town Engineer, the Planning Board makes the determination that strict adherence to the above rate and volume regulations may cause more environmental harm than good, then offsite rates and/or volumes may be increased above pre-development conditions by as much as 25%. However, drainage in wetland conservation overlay (WCO) zones must adhere to the standards provided in Section XI.C.4 of the Hollis Zoning Ordinance, which requires that there be no net increase in peak flow or overall volume of stormwater runoff in the WCO zone as a result of any development. At no time shall offsite flow increases be allowed onto an adjoining abutter’s property.*

Planning Board Explanation: Amendment 1 proposes to remove stormwater regulation references from various sections of the Hollis Zoning Ordinance and move them to the more appropriate subdivision and site plan regulations. Stormwater design, whether for a new road or parking lot, needs to be analyzed case by case. Every site is unique and needs to be approached with the environment of that particular area in mind. Removing the stormwater references from the Zoning Ordinance does not eliminate the need for a developer to comply with these requirements. Instead, it allows the Planning Board the flexibility to require a design best suited for the particular site, keeping in mind the environment, abutting neighbors, and the burden and expense placed on the Town to maintain and preserve the rural character and scenic views of our community.

At the Planning Board level, every project that can affect stormwater is thoroughly reviewed. The Town utilizes Engineering Consultants, Staff Engineers, and comments and concerns of the public when reviewing a design. This group effort results in a design that is best suited for the site. Please consider these reasons;

- Reduces future taxpayer’s expense of maintaining these public drainage facilities.
- Reduces disturbance of the natural environment, protecting the Town’s Rural Character.
- Upgrades drainage regulations from primarily volume based to water quality based.
- Follows accepted engineering standards, including NH Dept. of Environmental Services, to address the rate of runoff.
- Increases the number and types of development that will have to comply with the regulations.
- Applies stricter requirements to improve the water quality of drainage facilities.
- Provides flexibility to address changing requirements of the NH Dept. of Environmental Services and EPA.
- Creates separate regulations to address required EPA MS-4 neighborhoods.

It is unfortunate that the Planning Board was permitted to spend tax dollars producing the “Voter Guide” to the left. This document will serve to help avoid the possible confusion caused by the errors in the Planning Board’s guide as well as help you get a better understanding of the proposed amendments.

The Board’s most important responsibility is to plan the protection Hollis’s resources and enforce the regulations voted on by the residents. It seems that the Planning Board does not consider these items worthy of pointing out in their “Voter Guide”

Although “accredited and licensed professionals” assisted in the creation of this “Voter Guide”, there are many critical errors. Does the Planning Board expect voters to blindly follow the recommendations of the “experts”? HollisWatch recommends that voters review all information critically and use their best judgment when considering information from any source.

This language is to be deleted if the amendment passes. Why is it not shown in strikethrough? **It seems that the Planning Boards had the ballots printed in error** since the intent of the amendment is to remove this text and strikethrough text was used elsewhere in the same amendment but not here. This Planning “Voter Guide” and the official ballot text is confusing voters. You can review the actual ballot language by clicking following link. [Official Ballot from Town Clerk](#)

The words “the Hollis Subdivision Regulations” should be underlined as they are on the ballot indicating that this is an addition to the ordinance.

The ballot shows “Section XI.C.4.b of this Ordinance” in strikethrough text. If the amendment passes, it will be removed from the ordinance. Why is it represented as if it will be part of the ordinance if this amendment passes!

This language is shown on the ballot as strikethrough text indicating that it will be removed. Why does this “Voter Guide” show a version in conflict with the ballot. This again can be confusing to voters. The ballot language representation in this voting guide does not reflect the question on the ballot, how can the proposed interpretations and explanations be trusted? You can review the actual ballot language by clicking following link [Official Ballot from Town Clerk](#)

The term “more appropriate” is subjective. It is inappropriate electioneering. It seems to be intended to influence voter’s decision on this question. The proposal will make exceptions from the regulations easier to obtain. This does not seem more appropriate if the objective is to protect Hollis’s resources.

The concept of analyzing development on a case by case basis leads to unequal application of the standards. It also allows projects that wouldn’t otherwise meet the standards to be built. There is already a variance process at the Zoning Board for exceptions.

The Planning Board’s statement that the wetlands protections should be flexible to allow development that would otherwise not meet the requirements of our present ordinance shows **the intent of this proposed amendment is to facilitate development**, not protect Hollis’s resources for the future!

Maintenance agreements with developers and property owners are another option which would be better for town residents.

Large stormwater facilities are a benefit to the town. They prevent runoff from leaving the site during large storm events. Our current ordinance follows accepted standards and including those of the NHDES. Why is this being put forth as a reason for change?

If this amendment passes, this will become a burden placed on some single family development which presently does not need site plan review.

The term “flexibility” here can be interpreted to mean that the residents of Hollis will no longer vote to change the stormwater restrictions since the unelected Planning Board will be able to make changes in the future by a simple majority of its members.

The federal regulations are still unsettled after years of litigation. A better solution would be to add EPA MS-4 regulations to the zoning ordinance once the federal regulations are determined.



**Planning Board Proposed Amendment (2):** Are you in favor of the adoption of amendment (2) as proposed by the planning board for the Town of Hollis Zoning Ordinance as follows:

*Amend Section XI Overlay Zoning Districts, C. Wetland Conservation Overlay Zone, 3. Jurisdiction, c. Existing Lots: as follows - This ordinance shall not prohibit the construction of principal and accessory structures on an unimproved a lot or the expansion of a legally pre-existing use on a lot that legally existed before March 11, 1997. However, such construction or expansion will only be permitted upon determination by Planning Staff (or Planning Board per staff recommendation) that:...."*

**Planning Board Explanation:** Amendment 2 clarifies the difference between legal lots of records with no buildings on them (unimproved) and those with buildings on them (improved) as it relates to the Town's Wetland Buffer Requirements. The proposed amendment will apply the regulations consistently to each situation.

Here again, the ballot language shows that the words “an unimproved” is to be removed if the amendment passes, but this “Voter Guide” misrepresents the ballot language and can confuse voters! These words are not struck through like the official ballot. You can review the actual ballot language by clicking following link. [Official Ballot from Town Clerk](#)

Presently lots that are improved offer protection to the wetlands. This amendment would weaken protections on these lots to be the same as the protections on unimproved lots. The overall effect is to weaken the wetland protections for land in the town. Voters should not allow this confusing “Voter Guide” to convince them to vote to reduce wetland protections.

**Planning Board Proposed Amendment (3):** Are you in favor of the adoption of amendment (3) as proposed by the planning board for the Town of Hollis Zoning Ordinance as follows:

*Delete Section XXI Housing for Older Persons ordinance in its entirety. Amend VIII, Definitions, by deleting the term Housing for Older Persons & amend the definition of Subdivision by deleting the last sentence that references Housing for Older Persons. Amend Section X Zoning Districts, A. (A&B) 2a.; E. Mobile Home-2 Zone,1.7; G. R&A, 1.f.; and I. Town Center, 1.f.; b by deleting all reference to Housing for Older Persons as a permitted use. Amend Section IX, General Provisions, I. Height Regulations, 4. Building Permits by deleting from the last sentence referencing Older Persons; and Section O. Determination of Density for Condominium Developments by deleting "Housing for Older Persons development or any other type" from the second sentence.*

**Planning Board Explanation:** Amendment 3 proposes deleting the Housing for Older Persons section. It is important to note that this amendment intends to require the density of housing development be designed and simulate the character and attributes that we recognize is important in Hollis.

This amendment removes high density housing section XXI from our ordinance. This is needed since Concord passed a statute in 2022 equating retirement communities with means tested housing. These types of development have drastically different impact on the cost of services required. When Hollis voters passed Section XXI it was intended for retirement communities only. If this amendment does not pass, high density means tested housing could be permitted in locations intended for retirement communities due to the change in state statute.

**Planning Board Proposed Amendment (4):** Are you in favor of the adoption of amendment (4) as proposed by the planning board for the Town of Hollis Zoning Ordinance as follows:

*Amend Section X: Zoning Districts, H. Rural Lands Zone, 5. Area Height Regulations For Permitted Uses, as follows: c. Minimum Front Yard Depth: 100 feet 50 feet (100 feet on Scenic Roads). (Note: A Home or structure in existence as of March 14, 2023 shall be able to expand provided that, at a minimum, a 50 foot Front Yard Depth is adhered to.*

**Planning Board Explanation:** Amendment 4 proposes to increase the building setback requirement in the Rural Zone area of the community from 50 feet to 100 feet. The result of this change will have minimal impact on the undeveloped areas of this zoning district, because most of the roads in this area are classified as Scenic Roads and presently require a 100 foot building setback. The Planning Board is requesting this change to reflect better the citizens views that have been voiced at Planning Board Meetings and Master Plan surveys. Existing homes will be grandfathered to allow for expansions that do not meet the new setback requirement.

The amendment adds a 100 foot setback. The ballot shows this addition as underline text yet the “Voter Guide” does not.

The amendment removes the 50 foot setback. The official ballot shows “50 feet (100 feet on Scenic Roads) in strikethrough text indicating it will be removed if the amendment passes. Why does this “Voter Guide” represent those words as part of the amendment. How can a voter determine what the change will be based on this incorrect ballot language that has been promulgated by the Planning Board? You can review the actual ballot language by clicking following link [Official Ballot from Town Clerk](#)

This proposed change will have little effect on development as the Planning Board states. In particular it will not address wetland protection or density in any way. Why didn’t the Planning Board choose to make a more impactful change that would protect our water resources and restrict the density of development?

**Planning Board Proposed Amendment (5):** Are you in favor of the adoption of amendment (5) as proposed by the planning board for the Town of Hollis Zoning Ordinance as follows:

*Amend Section XIV Sign Ordinance to adhere to US Supreme Court ruling requiring content neutral regulations, the language on a sign cannot be regulated. Changes are proposed to Sections: B. Definitions, C. Administration, H. Prohibited Signs, I. Event Specific Signs, Real Estate Signs, J. Illumination Standards, L. Exemptions, M. Residential and Subdivision Signs, N. Agriculture Signs, and P. Business and Industrial Signs.*

**Planning Board Explanation:** Amendment 5 brings the Town's Sign Ordinance in compliance with US Supreme Court rulings relative to signs. Only the size of a sign can be regulated, not what is written on the sign. Content based sign regulation is not allowed per the Federal Court decision. This amendment has no effect on political signs, as those areas are regulated in accordance with state statute and is outside the control of the Town.

The proposed language of this amendment does not describe or reference what changes will be made. It merely says that the language will be changed. How can a voter know what change will be implemented if this amendment passes. Why didn’t the Planning Board include a link to a document referencing what the changes would be? Voters should not pass this amendment without knowing what changes would result.

**Resident Petition Amendment (6):** The Planning Board voted 7 – 0 not to support this petition. Are you in favor of the adoption of amendment (6) as proposed by petition of the Town’s residents for the Town of Hollis Zoning Ordinance as follows:

*Amend Section XV: Hollis Rural Character Preservation Ordinance of the Town of Hollis Zoning Ordinance. This amendment is intended to require that dead end roads are terminated with a cul-de-sac, to provide design standards and to limit the Planning Board’s authority to grant waivers.*

*For complete text of the proposed zoning petition see the tab Proposed 2023 Zoning Amendments on the Planning Board page of the Hollis Town website or enter the link below;*

[https://www.hollisnh.org/sites/g/files/vvhlif3271/f/uploads/zoning\\_amendments\\_for\\_official\\_ballot\\_2.6.23.pdf](https://www.hollisnh.org/sites/g/files/vvhlif3271/f/uploads/zoning_amendments_for_official_ballot_2.6.23.pdf)

**Planning Board Comment:** Amendment 6 is a resident petition and is required by State Law to be placed on the Ballot. In general, the petitioner is requesting to amend how roads are terminated. Roads that terminate in a circle are called cul-de-sacs. Hollis regulations allow roads to terminate as a cul-de-sac but also what is known as a hammerhead turn-around, which is equivalent to a dedicated 3-point turn-around area. The Planning Board unanimously voted not to support this petition because the Board **stands by the flexibility to terminate roads in a manner that best fits the land.** Not allowing hammerhead turn-arounds, however, needlessly eliminates a design option that might be in the best interest of the environment, the Town, and/or neighbors. The Planning Board, when deciding not to support this petition consulted with Hollis emergency services and no public safety hazards were identified.

**Resident Petition Amendment (7):** The Planning Board voted 7 – 0 not to support this petition. Are you in favor of the adoption of amendment (6) as proposed by petition of the Town’s residents for the Town of Hollis Zoning Ordinance as follows:

*Delete Section XXI: HOUSING FOR OLDER PERSONS in its entirety and in sections VIII, IX and X. This amendment is intended to remove the Housing for Older Persons section of the ordinance as well as references to Housing for Older Persons development in other sections.*

*For complete text of the proposed zoning petition see the tab Proposed 2023 Zoning Amendments on the Planning Board page of the Hollis Town website or enter the link below;*

[https://www.hollisnh.org/sites/g/files/vvhlif3271/f/uploads/zoning\\_amendments\\_for\\_official\\_ballot\\_2.6.23.pdf](https://www.hollisnh.org/sites/g/files/vvhlif3271/f/uploads/zoning_amendments_for_official_ballot_2.6.23.pdf)

**Planning Board Comment:** Amendment 7 is a resident petition and is the same as the Planning Board proposed amendment 3, which eliminates the Housing for Older Persons ordinance section. The Planning Board agreed to move the final wording of Amendment 3 to public comment in November 2022; the petitioner submitted their request in December 2022. As required by state law, a resident petition shall be included on the Ballot. Although the Planning Board did not support this petition due to potential confusion, the Planning Board supports eliminating the Housing for Older Persons ordinance section as proposed in Amendment 3.



VOTE

TUESDAY, MARCH 14

7:00 am - 7:00 pm

Lawrence Barn

28 Depot Road

HollisWatch believes Zoning amendments (3) and (7) are likely the most important questions on the ballot this year. If they do not pass, it is possible that rapid development will commence using state grants and incentives to build out our town with high density housing. Please help us preserve Hollis. Consider voting along with our recommendations to conserve our town.

This link does not connect to the correct ballot language. In fact the linked document does not have the formatting of the petition submitted. Correct ballot language is available at the Town Clerk web page. Why didn’t the Planning Board link to the correct ballot language? Again his “Voter Guide” may be confusing voters. You can review the actual ballot language by clicking following link [Official Ballot from Town Clerk](#)

The Planning Board’s desire for “flexibility” seems to be represent a desire to allow developments that would otherwise not meet Hollis Standards for quality of life and safety. This “Voter Guide” failed to mention documents from [www.kidsandcars.org](http://www.kidsandcars.org) which show the dangers of reversing vehicles as is required on hammerheads. This document and others were provided to staff but were editorially omitted. Influencing votes in this way does not comply with state RSA.

Hammerheads are dangerous for snow plows and delivery trucks which must reverse in these residential neighborhoods if cul-de-sacs are not in place.

This amendment removes high density housing section XXI from our ordinance. This is needed since Concord passed a statute in 2022 equating retirement communities with means tested housing. These types of development have drastically different impact on the cost of services required

This is a resident petition Zoning Amendment. The ballot text and explanation are posted on HollisWatch.com It is **INAPPROPRIATE** for the Planning Board to refer voters to the Planning Board page of the town website. Again, influencing voters decisions on ballot measures is not permitted by state electioneering RSA

This link does not connect to the correct ballot language. In fact the linked document does not have the formatting of the petition submitted. Correct ballot language is available at the [Town Clerk web page](#) as well as [HollisWatch.com](#). Why didn’t the Planning Board link to the correct ballot language? Again this “Voter Guide” is confusing to voters.

It is true that the planning board version of this amendment, number (3) was moved to public hearing in November. However, it was not certain that the Planning Board would have allowed this to got to the ballot until their vote to do so which was after the submittal deadline for the petition zoning amendments. Knowing the pro-development bias of the Planning Board, the only way to be certain that voters get the chance to weigh in on this was to submit it as required in December.

Below are the voting recommendations for 2023 Zoning Amendments from **HollisWatch**. We are an organization dedicated to preserving Hollis’s rural character and historic charm. A full explanation of each recommendation including information about Zoning Amendment (4) which we did not take a position on is available at [HollisWatch.com](#) along with ballot text and other info regarding development in Hollis.

## HollisWatch 2023 Zoning Amendment Recommendations

#	Zoning Amendment	Recommended Vote
1	Removal of Wetland Conservation Overlay Protections Front Side of Zoning Ballot 1	NO
2	Delete Reference to Unimproved Lots in Wetland Conservation Overlay Zone Front Side of Zoning Ballot 1	NO
3	Planning Board Proposal to Remove High Density Development Section XXI from the Ordinance Front Side of Zoning Ballot 1	YES
4	Increase Front Setback in Rural Lands Zone Front Side of Zoning Ballot 1	HollisWatch does not take a position
5	Changes to Sign Ordinance not Documented on the Ballot Front Side of Zoning Ballot 1	NO
6	Safe Road Construction Back Side of Zoning Ballot 1	YES
7	HollisWatch Proposal to Remove High Density Development Section XXI from the Ordinance Back Side of Zoning Ballot 2	YES